

Honorable John H. Chun

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY JO RULFFES and DONALD
RULFFES, and the marital community
comprised thereof,

Plaintiffs,

v.

MACY'S WEST STORES, LLC, a foreign
corporation d/b/a MACY'S; MACY'S RETAIL
HOLDINGS, LLC, a foreign corporation d/b/a
MACY'S; and MACY'S CORPORATE
SERVICES, a foreign corporation d/b/a
MACY'S; SCHINDLER ELEVATOR
CORPORATION, a foreign corporation; and
UNKNOWN BUSINESS ENTITIES 1-5; and
JOHN DOES 1-5.

Defendants.

NO. 2:22-cv-1075

DEFENDANT MACY'S WEST STORES,
LLC, MACY'S RETAIL HOLDINGS, LLC,
AND MACY'S CORPORATE SERVICES'
ANSWER TO PLAINTIFFS' COMPLAINT
FOR PERSONAL INJURIES AND
DAMAGES

JURY DEMAND

Defendants Macy's West Stores, LLC, Macy's Retail Holdings, LLC and Macy's Corporate Services ("Macy's"), by and through their attorney of record, Preg O'Donnell & Gillett, answer Plaintiffs Mary Jo Rulffes and Donald Rulffes ("Plaintiffs") Complaint for Personal Injuries and Damages ("Complaint") as set forth below. Macy's wholly denies any and all allegations not specifically admitted herein.

DEFENDANT MACY'S WEST STORES, LLC, MACY'S
RETAIL HOLDINGS, LLC, AND MACY'S CORPORATE
SERVICES' ANSWER TO PLAINTIFFS' COMPLAINT
FOR PERSONAL INJURIES AND DAMAGES - 1
10420-0036 5833970
Case No. 2:22-cv-1075

PREG O'DONNELL & GILLETT PLLC

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I. PARTIES

1.1 In answer to Paragraph 1.1 of Plaintiffs' Complaint, Macy's is without knowledge sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore denies the same.

1.2 In answer to Paragraph 1.2 of Plaintiffs' Complaint, Macy's admits this paragraph.

1.3 In answer to Paragraph 1.3 of Plaintiffs' Complaint, Macy's admits this paragraph.

1.4 In answer to Paragraph 1.4 of Plaintiffs' Complaint, this paragraph does not require an answer from Macy's. To the extent an answer is required, Macy's is without knowledge sufficient to form a belief to the truth of the matters alleged and therefore denies the same.

1.5 In answer to Paragraph 1.5 of Plaintiffs' Complaint, this paragraph does not require an answer from Macy's. To the extent an answer is required, Macy's is without knowledge sufficient to form a belief to the truth of the matters alleged and therefore denies the same.

II. JURISDICTION AND VENUE

2.1 This lawsuit has been removed to the United States District Court for the Western District of Washington at Seattle.

2.2 This lawsuit has been removed to the United States District Court for the Western District of Washington at Seattle.

III. FACTS

3.1 In answer to Paragraph 3.1 of Plaintiffs' Complaint, Macy's is without knowledge sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore denies the same.

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1 3.2 In answer to Paragraph 3.2 of Plaintiffs' Complaint, Macy's is without knowledge
2 sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore
3 denies the same.

4 3.3 In answer to Paragraph 3.3 of Plaintiffs' Complaint, Macy's is without knowledge
5 sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore
6 denies the same.

7 3.4 In answer to Paragraph 3.4 of Plaintiffs' Complaint, Macy's denies the same.

8 **IV. CAUSE OF ACTION – NEGLIGENCE**

9 4.1 Macy's incorporates and reasserts answers to paragraphs 1.1-3.4 stated herein.

10 4.2 In answer to Paragraph 4.2 of Plaintiffs' Complaint, Macy's is without knowledge
11 sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore
12 denies the same.

13 4.3 In answer to Paragraph 4.3 of Plaintiffs' Complaint, Macy's admits it owns the
14 elevators located at the Macy's in Tukwila Washington. Macy's denies negligence. To the
15 extent paragraph 4.3 differs from the above, Macy's denies the same.

16 4.4 In answer to Paragraph 4.4, Macy's admits it owed a duty to maintain its
17 elevators in a reasonably safe condition but denies the remainder of this Paragraph.

18 4.5 In answer to Paragraph 4.5 of Plaintiffs' Complaint, Macy's admits that Schindler
19 Elevator Corporation was Macy's elevator maintenance company on December 9, 2019, and
20 owed duties pursuant to a maintenance contract. To the extent paragraph 4.5 differs from the
21 above, Macy's denies the same.

22 4.6 In answer to Paragraph 4.6 of Plaintiffs' Complaint, Macy's denies this
23 paragraph.

24 4.7 In answer to paragraph 4.7 of Plaintiffs' Complaint, Macy's denies this paragraph.

25 4.8 In answer to paragraph 4.8 of Plaintiffs' Complaint, Macy's denies this paragraph.

V. PRAYER FOR RELIEF

Macy's denies Plaintiffs' prayer for relief including subparts 5.a-e. Macy's denies all allegations not specifically addressed elsewhere herein.

BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSES, Macy's alleges the following:

1. Plaintiffs' claimed injuries or damages, if any, were proximately caused by their own fault or the fault of other parties or nonparties.

2. Plaintiffs have failed to mitigate damages to avoid unnecessary loss.

3. Plaintiff Mary Jo Rulffes assumed the risk of injury.

4. Plaintiffs' damages, if any, should be apportioned according to RCW 4.22 et seq between the relative fault of parties, and non-parties.

Macy's expressly reserves the right to amend this answer and to assert additional affirmative defenses as circumstances and discovery warrant.

WHEREFORE, Macy's prays for the following judgment:

1. Dismissing Plaintiffs' Complaint for Damages with prejudice and costs;

2. That Macy's be awarded reasonable attorney's fees, costs and disbursements incurred herein, and

3. For such other and further relief that the courts deems just and equitable.

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1 DATED this 17th day of August, 2022.

2 PREG O'DONNELL & GILLETT PLLC

3
4 By /s/Debra Dickerson

5 Eric P. Gillett, WSBA #23691

6 Debra Dickerson, WSBA# 20397

7 Attorneys for Defendants Schindler Elevator
8 Corporation and Macy's

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DECLARATION OF SERVICE

I hereby declare that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record listed below:

Counsel for Plaintiffs Mary Jo and Donald

Rulffes:

A. Troy Hunter WSBA #29243
Lisa Kay Wiese, Esq. WSBA #26594
Injury Law Group NW
troy@injurylawgroupnw.com

DATED at Seattle, Washington, this 17th day of August, 2022.

/s/ Debra Dickerson

Debra Dickerson, WSBA# 20397

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